

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 686—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 686

Whereas, the United States Department of Justice is conducting an investigation into improper activities by lobbyists and related matters;

Whereas, the Office of Senator Christopher S. Bond has received a request for records from the Department of Justice for use in the investigation of a former employee;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate; and

Whereas, when it appears that evidence under the control or in the possession of the Senate is needed for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That the Office of Senator Christopher S. Bond is authorized to provide to the United States Department of Justice records requested for use in legal and investigatory proceedings, except where a privilege should be asserted.

## SENATE RESOLUTION 687—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN PEOPLE OF THE STATE OF MICHIGAN V. SEREAL LEONARD GRAVLIN

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 687

Whereas, in the case of People of the State of Michigan v. Sereal Leonard Gravin (Case No. 08-007750), pending in the Sixth Judicial Circuit Court (Oakland County, Michigan), the prosecuting attorney has subpoenaed testimony from Ruth Gallop, an employee in the office of Senator Debbie Stabenow;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Ruth Gallop and any other employee of Senator Stabenow's office from whom testimony may be required are authorized to testify in the case of People of the State of Michigan v. Sereal Leonard

Gravlin, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Ruth Gallop and any other employee of the Senator from whom evidence may be required in the action referenced in section one of this resolution.

## SENATE RESOLUTION 688—TO AUTHORIZE TESTIMONY IN UNITED STATES V. MAX OBUSZEWSKI, ET AL

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 688

Whereas, in the case of United States v. Max Obuszewski, et al., Case No. 2008-CMD-5824, pending in the Superior Court for the District of Columbia, the prosecution has subpoenaed testimony from Justin Beller, an employee in the Office of the Senate Sergeant at Arms;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Justin Beller is authorized to testify in the case of United States v. Max Obuszewski, et al., except concerning matters for which a privilege should be asserted.

## SENATE RESOLUTION 689—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE RULES AND MANUAL

Mrs. FEINSTEIN submitted the following resolution; which was considered and agreed to:

S. RES. 689

*Resolved*, That—

(1) the Committee on Rules and Administration shall prepare a revised edition of the Senate Rules and Manual for the use of the 110th Congress;

(2) the manual shall be printed as a Senate document; and

(3) in addition to the usual number of documents, 1,500 additional copies of the manual shall be bound, of which—

(A) 500 paperbound copies shall be for the use of the Senate; and

(B) 1,000 copies shall be bound (550 paperbound; 250 nontabbed black skiver; 200 tabbed black skiver) and delivered as may be directed by the Committee on Rules and Administration.

## SENATE CONCURRENT RESOLUTION 104—SUPPORTING "LIGHTS ON AFTERSCHOOL!", A NATIONAL CELEBRATION OF AFTER SCHOOL PROGRAMS

Mr. DODD (for himself, Mr. ENSIGN, Mr. KOHL, Mr. BURR, Mrs. LINCOLN, Mr. STEVENS, Mr. CASEY, Mr. ROBERTS, Mr. FEINGOLD, Ms. STABENOW, Mrs. MURRAY, Mr. WHITEHOUSE, Mr. LIEBERMAN, Mrs. BOXER, Mr. BIDEN, Mr. BARRASSO,

Ms. COLLINS, and Mr. SPECTER) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 104

Whereas high quality after school programs provide safe, challenging, engaging, and fun learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills;

Whereas high quality after school programs support working families by ensuring that the children in such families are safe and productive after the regular school day ends;

Whereas high quality after school programs build stronger communities by involving the Nation's students, parents, business leaders, and adult volunteers in the lives of the Nation's youth, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high quality after school programs engage families, schools, and diverse community partners in advancing the well-being of the Nation's children;

Whereas "Lights On Afterschool!", a national celebration of after school programs held on October 16, 2008, promotes the critical importance of high quality after school programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States have no place to go after school; and

Whereas many after school programs across the United States are struggling to keep their doors open and their lights on: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress supports the goals and ideals of "Lights On Afterschool!" a national celebration of after school programs.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5654. Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes.

SA 5655. Mr. LEAHY proposed an amendment to the bill S. 3325, to enhance remedies for violations of intellectual property laws, and for other purposes.

SA 5656. Mr. LEAHY (for Mr. KENNEDY) proposed an amendment to the bill S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

SA 5657. Mr. NELSON, of Florida (for Mr. LIEBERMAN (for himself and Mr. PRYOR)) proposed an amendment to the bill S. 2382, to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.

SA 5658. Mr. NELSON, of Florida (for Ms. KLOBUCHAR (for herself, Mr. ISAKSON, Mr. WICKER, Mr. BROWN, Ms. COLLINS, and Mr. HARKIN)) proposed an amendment to the bill H.R. 5265, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss

facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies.

SA 5659. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. GREGG, Mr. KENNEDY, Mr. KERRY, Ms. COLLINS, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 5660. Mr. REID proposed an amendment to the bill H.R. 2638, *supra*.

SA 5661. Mr. REID proposed an amendment to amendment SA 5660 proposed by Mr. REID to the bill H.R. 2638, *supra*.

SA 5662. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 5151, to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; which was ordered to lie on the table.

SA 5663. Mr. WHITEHOUSE (for Mr. SHELBY) proposed an amendment to the bill H.R. 5350, to authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes.

SA 5664. Mr. WHITEHOUSE (for Mr. INOUE) proposed an amendment to the bill S. 1492, to improve the quality of federal and state data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

SA 5665. Mr. WHITEHOUSE (for Mr. INOUE (for himself, Mrs. HUTCHISON, and Mr. STEVENS)) proposed an amendment to amendment SA 5664 proposed by Mr. WHITEHOUSE (for Mr. INOUE) to the bill S. 1492, *supra*.

SA 5666. Mr. WHITEHOUSE (for Mr. LIEBERMAN) proposed an amendment to the bill S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

SA 5667. Mr. WHITEHOUSE (for Mr. INOUE) proposed an amendment to the bill S. 1582, to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes.

SA 5668. Mr. WHITEHOUSE (for Mr. INOUE) proposed an amendment to the bill H.R. 5618, to reauthorize and amend the National Sea Grant College Program Act, and for other purposes.

SA 5669. Mr. WHITEHOUSE (for Mr. KYL (for himself and Mr. LEAHY)) proposed an amendment to the bill S. 2913, to provide a limitation on judicial remedies in copyright infringement cases involving orphan works.

SA 5670. Mr. WHITEHOUSE (for Mr. REID) proposed an amendment to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

SA 5671. Mr. WHITEHOUSE (for Mr. REID) proposed an amendment to amendment SA 5670 proposed by Mr. WHITEHOUSE (for Mr. REID) to the bill H.R. 2638, *supra*.

SA 5672. Mr. WHITEHOUSE (for Mr. THUNE (for himself, Mr. CARDIN, and Mr. LAUTENBERG)) proposed an amendment to the bill S. 3109, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

SA 5673. Mr. WHITEHOUSE (for Mrs. BOXER) proposed an amendment to the bill S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

## TEXT OF AMENDMENTS

**SA 5654.** Mr. REID (for Mr. CONRAD) proposed an amendment to the bill H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates, and for other purposes; as follows:

On page 2, line 5, strike “June 1, 2013” and insert “March 6, 2009”.

**SA 5655.** Mr. LEAHY proposed an amendment to the bill S. 3325, to enhance remedies for violations of intellectual property laws, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Prioritizing Resources and Organization for Intellectual Property Act of 2008”.

(b) **TABLE OF CONTENTS.**—The table of contents is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Reference.

Sec. 3. Definition.

### TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.

Sec. 102. Civil remedies for infringement.

Sec. 103. Treble damages in counterfeiting cases.

Sec. 104. Statutory damages in counterfeiting cases.

Sec. 105. Importation and exportation.

### TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal copyright infringement.

Sec. 202. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging for works that can be copyrighted.

Sec. 203. Unauthorized fixation.

Sec. 204. Unauthorized recording of motion pictures.

Sec. 205. Trafficking in counterfeit goods or services.

Sec. 206. Forfeiture, destruction, and restitution.

Sec. 207. Forfeiture under Economic Espionage Act.

Sec. 208. Criminal infringement of a copyright.

Sec. 209. Technical and conforming amendments.

### TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

Sec. 301. Intellectual Property Enforcement Coordinator.

Sec. 302. Definition.

Sec. 303. Joint strategic plan.

Sec. 304. Reporting.

Sec. 305. Savings and repeals.

Sec. 306. Authorization of appropriations.

### TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

Sec. 401. Local law enforcement grants.

Sec. 402. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.

Sec. 403. Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers.

Sec. 404. Annual reports.

### TITLE V—MISCELLANEOUS

Sec. 501. GAO study on protection of intellectual property of manufacturers.

Sec. 502. GAO audit and report on non-duplication and efficiency.

Sec. 503. Sense of Congress.

## SEC. 2. REFERENCE.

Any reference in this Act to the “Trademark Act of 1946” refers to the Act entitled “An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes”, approved July 5, 1946 (15 U.S.C. 1051 et seq.).

## SEC. 3. DEFINITION.

In this Act, the term “United States person” means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern, except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

### TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

#### SEC. 101. REGISTRATION OF CLAIM.

(a) **LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.**—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting “**CIVIL**” before “**INFRINGEMENT**”;

(2) in subsection (a)—

(A) in the first sentence, by striking “no action” and inserting “no civil action”; and

(B) in the second sentence, by striking “an action” and inserting “a civil action”;

(3) by redesignating subsection (b) as subsection (c);

(4) in subsection (c), as so redesignated by paragraph (3), by striking “506 and sections 509 and” and inserting “505 and section”; and

(5) by inserting after subsection (a) the following:

“(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

“(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

“(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

“(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

“(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate, except for the institution of and remedies in infringement actions under this section and section 412.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) Section 412 of title 17, United States Code, is amended by striking “411(b)” and inserting “411(c)”.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

“Sec. 411. Registration and civil infringement actions.”.

#### SEC. 102. CIVIL REMEDIES FOR INFRINGEMENT.

(a) **IN GENERAL.**—Section 503(a) of title 17, United States Code, is amended to read as follows: